



## Catherine Casserley

Year of Call: 1991

Call Clerk on 020 7827 4000

### PRACTICE AREAS

Arbitration & Mediation | Discrimination & Equality | Employment | Human Rights | Professional Discipline | Public & Administrative Law

### HIGHLIGHTS

*"She knows everything there is to know about disability discrimination. An excellent advocate. She is responsive and great with clients."* **Chambers & Partners 2018.**

*"Widely recognised in the market as an expert in equality law."* **Chambers & Partners 2018**

*"No-one has their ear more in tune to disability discrimination law."* **Legal 500 2017.**

## OVERVIEW

Catherine Casserley specialises in discrimination and equality, employment and human rights law. She has particular expertise in the Equality Act 2010 and its predecessor legislation. She returned to full-time practice at the Bar in October 2007 from a period as Senior Legal Adviser with the Disability Rights Commission ("DRC"). She is well known for her expert advisory and litigation work in non-employment discrimination, spanning retail, transport (see Paulley) sports (recently instructed in a case against a major national sports body), education and housing, and has been instructed in nearly all the reported cases in these areas. She has obtained injunctive relief in a number of discrimination cases, both services and education.

She is regularly instructed by the Equality and Human Rights Commission, Law Centres, individuals, public authorities and employers and has appeared in the Employment Tribunal, County Courts, High Court, Employment Appeal Tribunal, Court of Appeal, House of Lords and Supreme Court.

She also advises disability organisations, other NGOs and the Equality and Human Rights Commission on a regular basis on litigation and legal policy issues, including on the UN Convention on the Rights of Persons with Disabilities. In 2015/16 she acted as the independent legal adviser to the House of Lords Committee on disability and the Equality Act 2010 and she continues to advise members of the Lords on its recommendations.

As well as strategic litigation she is also involved in individual, often complex, cases in the employment tribunal, such as long running disability discrimination trials. She has particular experience in cases involving those with mental health issues and Autistic Spectrum Disorder, particularly in employment and in education.

She also appeared in *Preddy and Hall v Bull and Bull* where she successfully represented a gay couple who were prevented from occupying a double hotel room by its owners, the first case of its kind, from the county court to the Supreme Court. She represented the claimant in the first case of non employment harassment (taken as a direct discrimination case) on the basis of

sexual orientation. She has also taken a number of transgender cases, including against a major restaurant chain. She appeared in the Supreme Court as Junior Counsel in *Paulley v First Group PLC*, the first case in which the Supreme Court considered the duty to make reasonable adjustments in (transport) services; previously in *Ackerman Livinstone v Aster Communities Ltd*, a housing case considering the user of s.15 of the Equality Act 2010 (discrimination arising from disability); and in the Court of Appeal and Upper Tribunal intervening on behalf of the EHRC in a case regarding the application of the reasonable adjustment duty to assessment of benefits in *R (on the application of MM) v Secretary of State for Work and Pensions*. This year key cases include *Williams v Swansea* in the Court of Appeal- an employment case considering the meaning of "unfavourable treatment" in s.15 of the EqA; submissions on behalf of the Northern Ireland Equality Commission as Amicus for the Upper Tribunal relating to benefits and disability discrimination; an intervention on behalf of the disability organisation NDY UK in the assisted dying case of *R (on the application of Conway) v Secretary of State for Justice and Others*; securing the right of those in receipt of police ill health retirement pensions to bring Equality Act claims (*Curry v Chief Constable of Northumbria*); as well as appearing on behalf of a Green Party Councillor in the high profile case of resisting committal for breach of an injunction in the High Court. She has been advising the TUC on their "dying to work" campaign.

She has experience in regulatory issues in particular from her time spent working for a healthcare trade union.

Additionally she has expertise in European human rights and discrimination law. She has drafted interventions in the European Court of Human Rights; and spoken and written extensively on both European and domestic discrimination legislation. Most recently she lectured on the UNCRPD in St Petersburg.

She has been shortlisted for Junior Employment barrister of the year in this years Legal 500 awards.

## REFERENCES

**Chambers & Partners 2020:** "An encyclopaedia on disability discrimination

matters." "An expert in her field, practical yet methodical and comprehensive."  
"Catherine is delightful to work with."

**Legal 500 2020:** "The depth of her knowledge of discrimination law is invaluable."

**Chambers & Partners 2019:** (Employment) "Widely recognised in the market as an expert in equality law, with a particular focus on disability discrimination law. She has experience in other aspects of employment law, acting at all levels including tribunal and Supreme Court cases." "Exceptional when it comes to her knowledge of discrimination disability law . Very easy to get on with and very personable."

(Civil Liberties) "She is well known for her expertise in disability discrimination and is regularly instructed by individuals, public authorities and the Equality and Human Rights Commission. She is adept at handling all matters involving the Equality Act 2010 and has appeared at various tribunals and the Supreme Court." "She is very experienced and has very deep knowledge."

**Chambers & Partners 2018:** "She knows everything there is to know about disability discrimination. An excellent advocate. She is responsive and great with clients."

**Legal 500 2018:** "Widely recognised in the market as an expert in equality law."

**Chambers & Partners 2018:** "No-one has their ear more in tune to disability discrimination law."

**Chris Fry** said in an interview with **The Times:** "I am constantly inspired by Cathy Casserley for equality work, and her determination to develop better enforceable case law for claimants."

## APPOINTMENTS AND MEMBERSHIPS

## PUBLICATIONS AND TRAINING

Catherine writes regularly for Discrimination Law Association Briefings; contributes to a variety of discrimination publications; is a co-author of Jordans' Guide to the Equality Act 2010 ; a contributor to and Blackstones' Guide to the Equality Act 2010 (in its 3rd edition); and is co-editor of the Legal Action Book "Discrimination in Employment: A Claims Handbook"

She has spoken and published widely on the Disability Discrimination Act and the Equality Act 2010 and has provided training on both to a number of organisations, including the TUC, Housing Ombudsman Service, Law Centres Federation, NACAB and the Business Disability Forum.

She continues to conduct regular training and seminars on employment and services discrimination, including for European judges at the Academy of European Law in Trier, for the Law Centres Federation and for course providers such as IRS, IDS and CLT, leading providers of legal education in employment law

## QUALIFICATIONS

LLB

LLM (focus on international human rights law)

## HIGHLIGHT CASES

Paulley v FirstGroup PLC [2017] UKSC - s.20/21 EqA, reasonable adjustments and transport provider

Ackerman Livingston v Aster Communities Ltd [2015] UKSC 15 - s.15 and

justification, interaction of Equality Act justification and Article 8 HRA justification

O'Connor V MSC, March 2015, Reading ET, Aspergers and reasonable adjustments, tribunal made recommendations in recruitment case

First Bus Group v Paulley - [2014] EWCA Civ 1573 - reasonable adjustment duty and priority use of wheelchair space on buses for wheelchair users

Campbell v Thomas Cook TourOperations [2014] EWCA Civ 1668 - application of reasonable adjustments in Tunisian airport

Preddy and Hall v Bull and Bull, [2013] UKSC 73 - interpretation of sexual orientation services regulations

R (on the application of MM and DM) v Secretary of State for Work and Pensions [2013] EWCA Civ 1565 - judicial review based on Equality Act reasonable adjustments provisions of welfare benefits for people with mental health problems, acted for EHRC in High Court, then in Court of Appeal (led by Robin Allen QC)

Foster v Cardiff University Appeal No. UKEAT/0422/12/LA; appeal based on interpretation of the reasonable adjustment duty and Employment Framework Directive

Finnigan v Chief Constable of Northumbria Police [2013] EWCA Civ 1191 reasonable adjustments and public functions

Hook v British Airways Ltd [2012] EWCA Civ 66- representing the claimant at first instance and in the court of appeal in an appeal against strike out of his claim on the basis that the Montreal Convention took precedence over the regulations for enforcing the EC Regulation on impaired mobility and air travel.

Beedles v Guinness Northern Counties Ltd [2011] EWCA Civ 442 - acting for the EHRC which intervened in a case consider the duty to make reasonable adjustments in premises

Aylott v Stockton on Tees Borough Council [2010] EWCA Civ 910; acting for the

Claimant (led by senior counsel) in an appeal on the interpretation of direct discrimination

Nemorin v London Metropolitan University, Central London County Court, 4 August 2011, Claim No. 9EC08072 - representing the claimant in a post-16 claim of disability discrimination against a university. Damages recovered for future loss of earnings and injury to feelings totalling £20500, as well as an order compelling the university to permit the student to re-submit her final project.

Patel v (1) Oldham Metropolitan Borough Council and (2) The governing body of Rushcroft Primary School [2010] IRLR 280 - definition of disability, first case on aggregating the effects of different impairments for the purposes of determining where there is a “long term” effect

Boyle v SCA Packaging Ltd (Equality and Human Rights Commission intervening) [2009] UKHL 37 - the first case in which the Lords considered the definition of disability for the purposes of section 1 of the DDA in any detail.

Allen v Royal Bank of Scotland Court of Appeal [2009] EWCA Civ 1213 in which she obtained a finding of disability discrimination and an order compelling the bank to install a platform lift - the first injunction of its kind; and successfully defended the decision (led by Robin Allen QC) in the Court of Appeal, the first time that consideration had been given by this Court to the physical feature duties of the disability discrimination provisions,

Mahad (previously referred to as AM) (Ethiopia) v Entry Clearance Officer (EHRC intervening) [2009] UKSC 16 (16 December 2009) [2009] UKSC 16 - disability and Article 14 of the Human Rights Act 1998

R (On the application of Lunt and Allied Vehicles) v Liverpool City Council (EHRC Intervening) CO/6158/2008 (acting as one of the junior counsel for the Claimants) where the public authority function provisions of the DDA were under consideration for the first time.

R (FB) v Director of Public Prosecutions (EHRC intervening) [2009] EWHC 106 - acting on behalf of the EHRC in a case which considered the discontinuance of a prosecution on the basis of the victim's mental health

Baker & Ors, R (on the application of) v Secretary of State for Communities & Local Government & Ors [2008] EWCA Civ 141 (28 February 2008) acted for the EHRC which intervened, on the impact of the race equality duty on planning appeals.

London Borough of Lewisham v Malcolm and EHRC, [2008] UKHL 43, a case which has radically altered the interpretation of disability discrimination.

S v Floyd & Anor [2008] EWCA Civ 201 (18 March 2008), on the impact of the Disability Discrimination Act on housing legislation.